

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-08 INR-10 LAB-04
NSAE-00 SIL-01 DODE-00 PM-05 H-01 L-03 NSC-05
PA-01 SP-02 SS-15 ICA-11 HA-05 TRSE-00 OMB-01
/083 W

-----091161 291736Z /43

R 281415Z APR 78
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC 8186
INFO AMCONSUL IBADAN
AMCONSUL KADUNA

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E.O. 11652: N/A
TAGS: PGOV, PDEV, NI
SUBJECT: CA CROSSES THE PRESS FREEDOM HURDLE

REF: (A) 77 LAGOS 14692, (B) LAGOS 5318

SUMMARY: THE CA ADOPTED WITHOUT CHANGE THE DRAFT TEXT OF THE
CONSTITUTION ON THE RIGHT TO FREEDOM OF EXPRESSION AND PRESS,
THUS REJECTING EFFORTS TO STRENGTHEN THE PRESS FREEDOM GUARANTEE.
END SUMMARY.

1. CONTINUING ITS CONSIDERATION OF CHAPTER 4
(FUNDAMENTAL RIGHTS), THE CONSTITUENT ASSEMBLY
ON APRIL 27 ADOPTED WITHOUT AMENDMENT SECTION 32
OF THE DRAFT CONSTITUTION ON THE RIGHT TO FREEDOM
OF EXPRESSION AND THRE PRESS. IN DOIN SO, THE
CA REJECTED BY OVERWHELMING VOTES 39 AMENDMENTS
WHICH WERE INTENDED TO STRENGTHEN THE PRESS
FREEDOM GUARANTEE IN THE TEXT.

2. THE TEXT OF SECTION 32 FOLLOWS:
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"32 (1) EVERY PERSON SHALL BE ENTITLED TO
FREEDOM OF EXPRESSION, INCLUDING FREEDOM TO HOLD
OPINIONS AND TO RECEIVE AND IMPART IDEAS AND
INFORMATION WITHOUT INTERFERENCE.

"(2) WITHOUT PREJUDICE TO THE GENERALITY
OF SUBSECTION (1) OF THIS SECTION, EVERY PERSON
SHALL BE ENTITLED TO OWN, ESTABLISH AND OPERATE

ANY MEDIUM FOR THE DESSEMINATION OF INFORMATION,
IDEAS NAD OPINIONS:

"PROVIDED THAT NO PERSON OTHER THAN THE
GOVERNMENT OF THE FEDERATION OR A STATE OR ANY
OTHER PERSON OR BODY AUTHORIZED BY THE PRESIDENT
SHALL OWN, ESTABLISH OR OPERATE A TELEVISION
OR WIRELESS BROADCASTING STATION FOR ANY PURPOSE
WHATSOEVER.

"(3) NOTHING IN THIS SECTION SHALL
INVALIDATE ANY LAW THAT IS REASONABLY JUSTIFIABLE
IN A DEMOCRATIC SOCIETY:

"(A) FOR THE PURPOSE OF PREVENTING THE
DISCLOSURE OF INFORMATION RECEIVED IN CONFIDENCE,
MAINTAINING THE AUTHORITY AND INDEPENDENCE OF THE
COURTS OR REGULATING TELEPHONY WIRELESS
BROADCASTING, TELEVISION, OR THE EXHIBITION OF
CINEMATOGRAPH FILMS; OR

"(B) IMPOSING RESTRICTIONS UPON PERSONS
HOLDING OFFICE UNDER THE STATE, MEMBERS OF THE
ARMED FORCES OF THE FEDERATION OR MEMBERS OF A
POLICE FORCE."

3. NOT SURPRISINGLY, THE LOCAL PRESS REPORTED
THE CA'S DECISION AS A DEFEAT FOR FREEDOM OF
THE PRESS. NEW NIGERIAN HEADLINED ITS ACCOUNT,
"BATTLE FOR PRESS FREEDOM LOST," A PHRASEOLOGY
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ALSO USED BY THE DAILY TIMES AND PUNCH.

4. COMMENT: AS AN ISSUE IN THE DEVELOPMENT OF
THE CONSTITUTION, "PRESS FREEDOM" STARTED FAST
BUT FADED EARLY. THE CONSTITUTIONAL DRAFTING
COMMITTEE (CDC) WHICH DEVELOPED THE LANGUAGE
IN SECTION 32 WHICH HAS NOW BEEN APPROVED VERBATIM
WAS SHARPLY DIVIDED OVER THE ISSUE. A VOCAL
MINORITY IN THE CDC WANTED STRONGER LANGUAGE TO
THE EFFECT THAT THE PRESS COULD PUBLISH MATTERS
OF PUBLIC INTEREST AND CIRCULATE THROUGHOUT
THE COUNTRY. HOWEVER, THE MAJORITY OF THE CDC,
ACCORDING TO ITS FINAL REPORT, FELT THAT THE LANGUAGE
IN 32(1) WHICH HAD BEEN TAKEN FROM THE 1963
CONSTITUTION ADEQUATELY COVERED THE SUBJECT. TO
ELABORATE ON 32(1) WITH SPECIAL MENTION OF PRESS
FREEDOM, THEY FELT WOULD BE TO IMPLY SOME NIGERIANS
COULD POSSESS "A LESSER RIGHT TO FREEDOM OF EXPRESSION
THAN ANY OTHER PERSON OR CITIZEN WHO HAPPENS TO
BE A NEWSPAPER EDITOR OR REPORTER."

5. WHEN THE CA CONVENED IN OCTOBER, "PRESS FREEDOM"

WAS TABBED AS A HOT ISSUE, MOST PARTICULARLY BY
THE PRESS ITSELF. WE SUSPECT THAT AT THAT TIME
THERE WAS SOME SENTIMENTIN THE CA FOR STRENGTHEN-
ING THE LANGUAGE. HOWEVER, BY THE TIME THE ISSUE
HAD ACTUALLY COME TO THE FLOOR EIGHT MONTHS LATER,
SO MUCH OF THE CA HAD BECOME SO DISENCHANTED WITH
THE PRESS AFTER A SERIES OF CA-PRESS SQUABBLES
(REF A) THAT LITTLE SUPPORT COULD BE MUSTERED FOR
A CHANGE IN THE CDC TEXT. THUS, THE AMENDMENTS
VOTED DOWN INCLUDED APPROPPOSAL BY FORMER DAILY
TIMES CHAIRMAN ALHAJI BAPTUNDE JO3E THAT U.S.
FIRST AMENDMENT STYLE LANGEAGE AGAINST ABRIDGEMEN

OF THE FREEDOM OF THE PRESS SHOULD BE ADDED TO THE
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TEXT.

6. UNLESS SHARIA RETURNS TO THE ASSEMBLY FLOOR
AND UNLESS REVENUE ALLOCATION BECOMES A PROBLEM
(BOTH OF WHICH PAUL UNONGO ASSURED US YESTERDAY
WILL NOT HAPPEN), THE CA WOULD SEEM TO BE ON THE
HOME STRETCH. END COMMENT.
WYMAN

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Message Attributes

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